



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 68

Complainant :

v. :

TOWN OF DERRY, NEW HAMPSHIRE
BOARD OF SELECTMEN and
EDWARD ANDERSON In his capacity
as Chairman

Respondents :

CASE NO. A-0413:16

DECISION NO. 85-18

APPEARANCES

Representing AFSCME:

James C. Anderson, Executive Director, Council 68

Representing the Town of Derry:

Gary W. Wulf, Chief Negotiator

Also in attendance:

Charles Buzzell, AFSCME
Gerrit DeGroot, Jr., AFSCME
Van N. Smith, AFSCME
Rodney Bartlett, Town of Derry
Mark J. Brassard, AFSCME

BACKGROUND

In September of 1984, the American Federation of State, County and Municipal Employees, N. H. Council 68 (AFSCME) filed improper practice charges against the Town of Derry (Town) and Edward Anderson, Chairman of the Board of Selectmen alleging violations of RSA 273-A:5, I (a), (g), (h) and (i), by the denial of benefits to certain permanent employees although deductions are being taken for dues by the Town; in addition, AFSCME alleged that the Town was planning a layoff and under the contract, the manner in which the lay-off is to occur could not be grieved until the question of whether the affected employees were included in the bargaining unit.

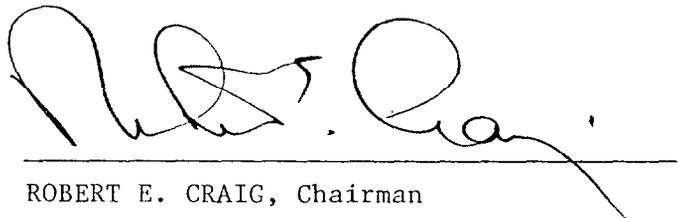
The Town denied all charges of violations of RSA 273-A:5, I, stating that no layoff took place and of the two employees involved, one had resigned

to take a position elsewhere and the other had nearly completed his probationary period; that the collective bargaining agreement allowed for re-employment of temporary employees but specified that such employment would carry with it the six-month probationary period and that upon completion, employees may become members of the Union.

DECISION AND ORDER

After reviewing the matter, the Board issued the following oral decision:

1. This matter is remanded to the grievance procedure under the contract, which for this purpose remains in force; and,
2. The Board retains jurisdiction in this case pending the outcome of arbitration.



ROBERT E. CRAIG, Chairman

Signed this 12th day of March, 1985

By unanimous vote: Chairman Robert E. Craig presiding. Members Richard W. Roulx and Russell F. Hilliard present and voting. Also present, Executive Director, Evelyn C. LeBrun